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## Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

12 NISHAT KOUSAR, ) No. C 07-5221 EDL  
13 Plaintiff, )  
14 v. ) **JOINT CASE MANAGEMENT**  
15 ROBERT MUELLER, III, Director, ) **STATEMENT and [Proposed] ORDER**  
Federal Bureau of Investigations; )  
16 GREGORY CHRISTIAN, Acting Director, )  
Nebraska Service Center, USCIS; )  
17 EMILIO GONZALES, Director, U.S. )  
Citizenship and Immigration Services (USCIS); )  
18 MICHAEL CHERTHOFF, Secretary, )  
Department of Homeland Security; )  
19 PAUL CLEMENT, Acting Attorney General, )  
Department of Justice; )  
20 TERRY RICE, San Francisco Field Office )  
Director, USCIS; )  
21 Defendants. )  
22 )

## 1. Jurisdiction and Service:

24 The basis asserted by plaintiff for this Court's jurisdiction is 28 U.S.C. § 1331 and 28 U.S.C. §  
25 1333. The parties do not dispute that venue is proper in this district. No issues exist regarding  
26 personal jurisdiction or venue, and no parties remain to be served.

## 2. Facts:

**28** Plaintiff filed a Form I-485 application to adjust her status to lawful permanent resident with Joint Case Management Statement

1 the United States Citizenship and Immigration Services (USCIS) on or about on January 5, 2004.  
2 The USCIS has not yet adjudicated the Form I-485 application. The Plaintiff filed an action on  
3 October 11, 2007, seeking an order from this Court directing USCIS to adjudicate the Form I-485  
4 application.

5 3. Legal Issues:

6 Whether this Court should dismiss the Plaintiff's action for lack of subject matter jurisdiction.  
7 If this Court has jurisdiction, whether the USCIS is processing the Plaintiff's I-485 application  
8 within a reasonable period of time.

9 4. Motions:

10 The parties intend to file cross-motions for summary judgment.

11 5. Amendment of Pleadings:

12 No parties, claims or defenses are expected to be added or dismissed.

13 6. Evidence Preservation:

14 The parties do not have any evidence that falls within this category.

15 7. Disclosures:

16 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to  
17 this case.

18 8. Discovery:

19 Plaintiff may seek discovery.

20 9. Class Actions:

21 N/A

22 10. Related Cases:

23 The parties are not aware of any related case or cases.

24 11. Relief:

25 The Plaintiff ask this Court to direct USCIS to adjudicate the Form I-485 application.

26 12. Settlement and ADR:

27 The parties' filed a request to be exempt from formal ADR process on December 31, 2007.

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**13. Consent to Magistrate Judge for All Purposes:**

The parties consent to a magistrate judge.

#### 14. Other References:

The parties do not believe that this case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

### 15. Narrowing of Issues:

The parties do not believe that the issues can be narrowed by agreement or by motion, and do not have suggestions to expedite the presentation of evidence at trial (e.g. through summaries or stipulated facts), and any request to bifurcate issues, claims or defenses.

#### 16. Expedited Schedule:

The parties believe this case can be resolved on cross-motions for summary judgment.

## 17. Scheduling:

The parties propose the following schedule on the parties' cross-motions for summary judgment:

## Cross-Motions for Summary Judgment:

January 28, 2008

## Cross-Oppositions:

February 12, 2008

## Hearing:

February 26, 2008 at 9:00 a.m.

## 18. Trial:

The parties do not anticipate the need for a trial in this case.

**19. Disclosure of Non-party Interested Entities or Persons:**

The parties' intend to file the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

None.

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1 Date: January 8, 2008

Respectfully submitted,

2 JOSEPH P. RUSSONIELLO  
United States Attorney

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/s/  
ILA C. DEISS  
Assistant United States Attorney  
Attorneys for Defendants

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8 Date: January 8, 2008

/s/  
BEN LOVEMAN  
Attorney for Plaintiff

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## CASE MANAGEMENT ORDER

11 The Joint Case Management Statement and Proposed Order are hereby adopted by the  
12 Court as the Case Management Order for the case, and the parties are ordered to comply with this  
13 Order.

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Date:

16 ELIZABETH D. LAPORTE  
United States Magistrate Judge

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